

Appl. No. 10/667,246
Amdt. dated September 18, 2007
Reply to Office Action of March 19, 2007

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Remarks

The present amendment responds to the Official Action dated March 19, 2007. A petition for a three month extension of time and authorization to charge our credit card accompany this response. The Official Action stated that the reissue declaration filed with the application was defective, and rejected claims 1-53 as being based on a defective reissue declaration. The Official Action rejected claims 26, 34, 35, 37, 46, 47, and 49 under 35 U.S.C. 102(e) based on Fajkowski U.S. Patent No. 6,932,270 (Fajkowski). The Official Action rejected claims 27-33, 38-45, and 50-53 under 35 U.S.C. 103(a) based on Fajkowski in view of Hayward U.S. Patent No. 5,752,582 (Hayward). The Official Action objected to claims 1-25, 36, and 48, but stated that they would be allowable if based on a proper reissue declaration. These objections and grounds of rejection are addressed below.

A corrected reissue declaration is filed herewith. Claims 26-29, 32-35, 37-42, 44-47, 49-53 have been amended to be more clear and distinct. Claims 1-53 are presently pending.

CLAIM STATUS

Original claims 1-25 are unchanged.

Claims 26-53 were previously added. Claims 30, 31, 36, 43, and 48 are unchanged by the present Amendment. The present amendments to claims 26-30, 32-35, 37-42, 44-47, 49-53 find support as follows:

Claim 26. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 59, line 45-Col. 60, line 7.

Claim 27. Col. 16, line 51-Col. 16, line 56.

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Claim 28. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 59 line 45-Col. 60, line 7.

Claim 29. Col. 16, line 51-Col. 16, line 56.

Claim 32. Col. 16, line 51-Col. 16, line 56.

Claim 33. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 59, line 45-Col. 60, line 7.

Claim 34. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 51, line 58-Col. 52, line 20.

Claim 35. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 51, line 58-Col. 52, line 20.

Claim 37. Col. 16, line 62-Col. 17, line 8, Col. 33, line 55-Col. 34, line 38, Col. 51, line 58-Col. 52, line 20.

Claim 38. Same as for claim 26.

Claim 39. Same as for claim 27.

Claim 40. Same as for claim 28.

Claim 41. Same as for claim 29.

Claim 42. Col. 16, line 51-Col. 16, line 56.

Claim 44. Col. 16, line 51-Col. 16, line 56.

Claim 45. Same as for claim 33.

Claim 46. Same as for claim 34.

Claim 47. Same as for claim 35.

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Claim 49. Same as for claim 37.

Claim 50. Col. 33, line 55-Col. 34, line 38, Col. 59 line 45-Col. 60, line 8.

Claim 51. Col. 16, line 51-Col. 16, line 56, Col. 33, line 55-Col. 34, line 30, Col. 59, line 45-Col. 60, line 8.

Claim 52. Col. 16, line 51-Col. 16, line 56, Col. 33, line 55-Col. 34, line 38, Col. 59 line 45-Col. 60, line 8.

Claim 53. Col. 16, line 51-Col. 16, line 56, Col. 33, line 55-Col. 34, line 38, Col. 59 line 45-Col. 60, line 8.

The Objection to the Reissue Declaration

The Official Action stated that the reissue declaration accompanying the instant application was defective because it did contain a sufficient statement of error. A corrected declaration is filed herewith.

The Art Rejections

All of the art rejections hinge on the application of Fajkowski, alone or in combination with Hayward. As addressed in greater detail below, Fajkowski and Hayward do not support the Official Action's reading of them and the rejections based thereupon should be reconsidered and withdrawn. Further, the Applicant does not acquiesce in the analysis of Fajkowski and Hayward made by the Official Action and respectfully traverses the Official Action's analysis underlying its rejections.

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The Official Action rejected claims 26, 34, 35, 37, 46, 47, and 49 under 35 U.S.C. 102(e) based on Fajkowski. In light of the present amendments to claims 26, 34, 35, 37, 46, 47, and 49, this ground of rejection is respectfully traversed.

Claim 26, as amended, addresses a method of operating a retail terminal in a self-checkout transaction. That method comprises scanning an item for purchase into a retail terminal, displaying item information associated with said item for purchase on a display monitor in response to scanning said item, and displaying a customer-specific retail message on said display monitor, contemporaneously with displaying said item information, the customer-specific retail message being based on previous purchase information stored in a customer profile. The limitations of claim 26 are not taught and are not made obvious by Fajkowski.

Fajkowski is titled "Method and Apparatus for Coupon Management and Redemption". As stated by its Abstract, it "provides a system for the electronic management and redemption of coupons." As further indicated in its Technical Field, it "relates to an apparatus and system that electronically reads and stores bar codes or UPC numbers from paper coupons and allows display, organization, transportation, transfer and redemption of the coupons without further use of the paper upon which the coupon is printed." Col. 1, lines 10-15. A portable coupon card includes a bar code scanner used by a user to scan the bar codes of coupons wherever the user finds them. Col. 3, lines 57-63 and col. 8, lines 36-41. The coupon card may include an identification number to identify individuals to whom cards are registered. Col. 4, lines 6-9 and col. 8, lines 46-52.

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A periphery device shown in Figs. 11 and 12 will compare data received from the cash register and the bar codes on the coupon card to determine what coupons are redeemable or match. Col. 4, lines 31-34 and col. 7, lines 37-40. At checkout, matching coupons are simultaneously displayed to the customer and the cashier as shown in Figs. 11 and 12. Col. 17, lines 38-47. The periphery device will remove coupons which were redeemed from the coupon card's memory. Col. 4, lines 52 and 53. The periphery device will also be able to transmit data on future manufacturer coupons to the coupon card or place directly onto the coupon and coupons which will be ready for immediate use. Col. 4, line 61-65. A clearinghouse will be able to compile a detailed database on the purchasing habits of all users of coupon cards. Col. 5, lines 32-37.

The coupon card provides an additional function which will allow the user to scan the bar code on a product (as opposed to a coupon bar code) and determine if the coupon card contains any coupons from the manufacturer of the product. Col. 14, lines 61-65. The approach described locates the manufacturer identifier portion of the product bar code and compares that identifier with the same information from stored coupons. All coupons provided by that manufacturer are then displayed. The user determines if there is a coupon for the exact product. Col. 15, lines 4-15.

While Fajkowski teaches the generation of information and displays during retail checkout which appears to be conducted by a checkout clerk, these displays relate to operation of ~~the coupon card to redeem the value stored therein~~, and the generation of advertising displays during checkout.

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Fajkowski does not appear to teach self service checkout. It does not appear to address the generation of customer-specific displays based on previous purchase information stored in a customer profile contemporaneously with display of item information generated as a result of scanning the item. Fajkowski teaches the compiling of customer behavior information, including purchase habit information, based on the customer's use of the coupon card, and the use of this information in targeted marketing, for example, providing relevant information to manufacturers and retailers, but Fajkowski does not appear to teach the use of such compiled customer information for the generation of displays contemporaneously with scanning of products and display of item information flowing from said scanning. The use of customer profile information to generate and display customer-specific retail messages contemporaneously with the display of item information generated as a result of scanning an item provides an opportunity to make immediate use of information relating to the customer, including customer shopping behavior with that information being related to the immediate current activities of the customer. Claim 26, as amended, therefore defines over the cited art and should be allowed.

With slight variations in wording, claims 34, 35, 37, 46, 47, and 49, as amended, all address displaying a customer-specific retail message based on previous purchase information stored in a customer profile contemporaneously with display of item information generated as a result of entering an item for purchase by a customer. As noted above with respect to claim 26, these claimed features are not taught and are not made obvious by Fajkowski. Claims 34, 35, 37, 46, 47, and 49, as amended therefore define over the cited art and should be allowed.

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The Official Action rejected claims 27-33, 38-45, and 50-53 under 35 U.S.C. 103(a) based on Fajkowski in view of Hayward. Claims 28, 38, 40 and 45 all address displaying a customer-specific retail message based on previous purchase information and displaying information associated with an item for purchase generated by scanning or entering the item for purchase. Claims 27, 29, 32, 39, 41, 42 and 44 all specify that the displayed item information includes "an item price and an item description" which are contemporaneously displayed with a customized retail message. Fajkowski does not appear to teach this claimed contemporaneous display, and Hayward does not cure Fajkowski's deficiencies in this respect.

Hayward addresses a "Self-Service Checkout System" which is said to allow "a single cashier to monitor and assist multiple customers simultaneously without the requirement for a video surveillance system." Title and Abstract. This patent addresses a physical layout of checkout stations so that these stations surround a cashier. Col. 1, lines 5-7. Adding Hayward to Fajkowski does not overcome Fajkowski's deficiencies as a reference with respect to the claims as presently amended.

In claim 30, it is noted that "the retail message is customized based on a product that can be used in conjunction with said item for purchase entered during the current transaction." Neither Fajkowski, Hayward, or a combination thereof appears to make this claim obvious. Element (c) of claims 42 and 44 similarly distinguishes the relied upon items.

In claim 50, it is noted that the self-service customer is identified "by reading a loyalty card using a card reader" and customer identifying information read from the loyalty card is utilized "as an index to retrieve previous purchase information". Fajkowski and Hayward do not

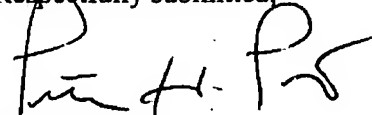
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make this claim obvious. While having slightly varied wording, claims 52 and 53 also address aspects of utilizing a loyalty card in a self-service checkout transaction and also appear to be patentable over the relied upon art.

Conclusion

All of the presently pending claims, as amended, appearing to define over the applied references, withdrawal of the present rejection and prompt allowance are requested.

Respectfully submitted,



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